

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

<b>LEONARD O. POWERS,</b>	)	
Plaintiff	)	
	)	
v.	)	<b>ORDER</b>
	)	<b>Case No. 1:09cv00055</b>
<b>EQUITABLE PRODUCTION</b>	)	
<b>COMPANY, etc.</b>	)	BY: Glen M. Williams
Defendant	)	Sr. United States District Judge

This case is currently before the court on the plaintiff's motion for summary judgment, (Docket Item No. 13). This case was referred, pursuant to 28 U.S.C. § 636(b)(1)(B), to the Honorable Pamela Meade Sargent, United States Magistrate Judge. On October 26, 2009, the Magistrate Judge entered a report and recommendation, (Docket Item No. 21), ("the Report"), recommending the motion for summary judgment be denied. Objections to the Report were due by November 12, 2009; however, no objections were filed. As such, the Magistrate Judge's Report shall be **ACCEPTED**.

Accordingly, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the plaintiff's motion for summary judgment is **DENIED**.

The Clerk is hereby directed to enter this Order and send copies of this Order to all counsel of record.

Enter: this 13<sup>th</sup> day of November, 2009.

/s/ Glen M. Williams

SENIOR UNITED STATES DISTRICT JUDGE